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SENATE

{ REPORT
No. 98-196

AUTHORIZATION FOR THREE ADDITIONAL ASSISTANT ADMINISTRATORS OF THE ENVIRONMENTAL PROTECTION AGENCY

JULY 28 (legislative day, JULY 25), 1983.—Ordered to be printed

Mr. STAFFORD, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 1696]

The Committee on Environment and Public Works reports an original bill (S. 1696), authorizing three additional Assistant Administrator positions at the Environmental Protection Agency and recommends that the bill do pass.

SUMMARY

The bill authorizes the President, by and with the advice and consent of the Senate, to appoint three Assistant Administrators at the Environmental Protection Agency, in addition to the seven Assistant Administrators already authorized.

BACKGROUND

Reorganization Plan No. 3 of 1970 authorized five level IV Presidentially appointed and Senate confirmed Assistant Administrator positions for the Environmental Protection Agency. Subsequently, two additional designated level IV positions were created by the Toxic Substances Control Act and the Solid Waste Disposal Act. The five undesignated Assistant Administrator positions have been used in various configurations since 1970 to provide management of the Agency's principal line and staff operations.

Laws enacted since in mid-1970's have greatly expanded the responsibilities vested in the Environmental Protection Agency (EPA). With this expansion has come a need to increase the number of senior

officials who, with the Administrator and Deputy Administrator, direct the operations of the Agency.

Because of the nature of the Agency's mission to identify and protect against hazards to health and the environment, those who administer EPA's programs are, of necessity, required to exercise substantial discretion in evaluating scientific and technical information, and determining what standards to apply in implementing and enforcing complex laws. It is appropriate that the officials entrusted with such discretion in carrying out statutory policies be subject to the process of confirmation by the Senate.

In 1981, the Agency was reorganized, and positions were created for two Associate Administrators with policymaking responsibilities. Those positions were not subject to Senate confirmation.

The current Administrator has submitted a formal request to Congress for the creation of additional positions which would be subject to Senate confirmation. The responsibilities of the additional Assistant Administrators are not specified in the legislation, in order to give flexibility to Administrators to adjust the Agency's management structure to meet future needs. The current Administrator has, however, in his message to Congress outlined his intended designations for the additional positions; they would provide Assistant Administrators for Planning and Evaluation, for Enforcement, and for Research and Development. The existing authority for five undesignated Assistant Administrators would be used for the water program; air, noise, and radiation; management; general counsel; and external affairs.

HEARINGS

No hearings were held on this legislation.

ROLLCALL VOTES

Section 7(b) of rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes be noted in this report. There were no rollcall votes taken during committee consideration of this measure. The bill was approved by voice vote.

COST OF LEGISLATION

It is expected that no significant cost to Federal, State, or local governments would be incurred as a result of enactment of this bill.

EVALUATION OF REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has evaluated the regulatory impact of the bill. This legislation creates no new regulatory requirements.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are to be shown. There are no changes made to existing law by this bill.